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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,662	10/12/2000	Donald F. Gordon	19880-004010	7766

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EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/687,662

Applicant(s)

GORDON ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 6-13, 16-20, 22 & 24 are rejected under 35 U.S.C. 103(a) as being obvious over Fries, (US-PGPUB 2002/0035728 A1), in view of Matthews, (U.S. Pat # 6,025,837).

Considering claim 1, the claimed method for providing an interactive program guide to a terminal comprising:

‘receiving a request message from the terminal for the requested IPG page, which includes a guide portion specific to the page’, Fries Para 0073 & Para 0094-0095, teaches a user interaction with an IPG that transmits a page to the user.

‘encoding at least the guide portion of the IPG page and assigning the encoded IPG page a particular PID’, reads on the disclosure in Fries that the EPG may be transmitted in MPEG format and is associated with a PID, Para 0062, Para 0098 & Para 0100.

‘sending the encoded a limited number of times in response to receiving the request’, reads on the disclosure that that IPG pages are sent in a MPEG carousel, a certain number of times, for instance four times, see Para 0057.

However, Fries does not explicitly teach that a request is received ‘from the terminal’, as recited. Nevertheless Matthews, which is in the same field of endeavor teaches that like Fries, IPG may also be periodically transmitted to subscriber. However, Matthews goes on to teach that IPG pages may be transmitted to a subscriber upon request from the subscriber, col. 9, lines 45-53. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Fries with the teachings of Matthews, for the desirable advantage of enabling the subscriber to access more IPG data than those that have been either locally cached or periodically transmitted, since the headend generally has more memory than the STT and would have more records than that that has been presented to any particular subscriber.

Considering claim 2, as for sending the page one time, Fries teaches that number of times the page is placed in the carousel, depends upon the bandwidth of the carousel, and that it may be more than once. The disclosed limitation of “may”, suggests that the page may sent only once in at least one embodiment.

Considering claim 6, the claimed feature reads on sending an encoded IPG page each time a subscriber makes such a requests, and is met by the combination of Fries & Matthews.

Considering claims 7-8, 11-12 & 16-18, see Para 0042-Para 0045 & Para 0062.

Considering claims 9-10, Fries teaches in-band and out-of-band transmission, Para 0032-Para 0033, Para 0037 & Par 0041.

Considering claim 13, the claimed elements of a method for regenerating an IPG correspond with subject matter mentioned above in the rejection of claim 1, and is likewise analyzed.

Considering claim 19, the claimed video encoder operative to encode at least a guide portion of a requested IPG and generate a requested guide stream, which includes a limited number of encoded pages, reads on the discussion in Fries that that IPG pages are transmitted to the subscriber as a carousel of data, using an MPEG transport stream and the combination of Matthews, as discussed in the rejection of claim 1. The number of pages is limited by the frequency of transmission of the pages and available bandwidth; see Para 0058 & 0174, which reads on the claimed feature of 'limited number of encoded pages'. The claimed video encoder, transport multiplexor and modulator, are included in the server 46; see Fig. 1 & Fig. 2, which display multiplexing/modulating technology (Para 0031-0033, 0170).

Considering claim 20, the claimed session manager operative to receive a request message for the requested IPG page and direct the transport multiplexor to multiplex the requested guide stream into the transport stream, reads on the operation of Matthews, which

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receives the subscriber's request for IPG data and the transmitter discussed in Fries, with respect to claim 19.

Considering claim 22, as discussed above in the rejection of claim 19, the combination of Fries and Matthews reads on the claimed subject matter. Thus the claimed STT that receives a subscriber's request and forwards it to the headend is met by the STB 26 of Matthews, (col. 5, lines 50-67; col. 10, lines 20-35).

3. Claims 3-5, 14-15, 21 & 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fries, in view of Rocher, (U.S. Pat # 3,754,211).

Considering claim 3-5 & 14-15, 21 & 23, Fries does not teach transmitting an ACK signal when a page is received. However, Rocher teaches transmitting an ACK signal, for the receiver to acknowledge receipt of a data transmission. After the transmitter receives the ACK signal, the next data block is transmitted, col. 4, lines 35-45. If the ACK signal is not received within a certain time window, then the transmitter assumed there has been an error, and resends the data, col. 12, lines 2-10. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Fries with known technology of halting transmission of data once an ACK signal has been received from a receiver and resending the data at least once,

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if the ACK signal is not received, for the desirable advantage of insuring reception of a transmitted block of data.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Eyer Teaches transmitting a plurality of pages to a subscriber, along with PID of the pages.

B) Thomas Teaches transmission of user requested EPG pages.

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Any response to this action should be mailed to:

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(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 746-6861 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.

The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone numbers for the
organization where this application or proceeding is assigned is (703) 872-9306 for regular
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER